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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,
v.

Jose Rafael RAMOS-Miranda,

Defendant.

Magistrate Case No. **'08 MJ 1334** APR 29 4 09:30 PM
(Related to Criminal Case Nos. 08-mj-1282-JMA
and 08-mj-1307-NLS)

MATERIAL WITNESS COMPLAINT


Title 18, U.S.C., Section 3144

The undersigned complainant, being duly sworn, states:


On or about April 23, 2008, within the Southern District of California, **Jose Rafael RAMOS-Miranda** did witness and observe Defendants Elsa Valenzuela-Arellano, Eddie Duane Simon (charged elsewhere--08-mj-1282-JMA), and Virgil RUIZ-Valenzuela (charged elsewhere--08-mj-1307-NLS) engage in the crime of Transportation of Illegal Aliens (in violation of Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)); in violation of Title 18 U.S.C., Section 3144.

The above named material witness is a citizen of El Salvador with no legal right to enter or to remain in the United States of America, and has no apparent means, with no legal right to enter or to remain in the United States. Affiant further alleges that his presence is required as a material witness in order to prosecute the case against Elsa Valenzuela-Arellano, Eddie Duane Simon, and Nick Rodriguez-Ramos.

And the complainant further states that he believes that said alien is a citizen of a country other than the United States, that said alien has admitted that he is deportable as defined in Title 8, United States Code, Section 1229, that it is impracticable to secure his attendance at the trial thereof by subpoena, that he is a material witness, and as such is entitled to the fees prescribed in Title 8, United States Code, Section 1227(d).


 JOHN R. WALLACE, Agent
 United States Border Patrol, CBP
 Department of Homeland Security

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th DAY OF APRIL 2008.


 NITA L. STORMES
 U.S. Magistrate Judge

CONTINUATION OF COMPLAINT:**Jose Rafael RAMOS-Miranda****PROBABLE CAUSE STATEMENT**

On April 23, 2008, uniformed Border Patrol Agents (Field Operations Supervisor) C. Allen, C. Solario, J. De La Torre, D. White, J. Trautmann, R. Melchor, and an El Centro Border Patrol Agent J. Morales received information of alien smuggling activity in room #40 at the Motel 6 in El Centro California located on 4th Avenue. Once they arrived at Motel 6 there was no room #40. Agent White entered the lobby of the motel to view a map of the motel. The manager approached Agent White and told him he may want to look at rooms #133 and #134 as they were rented by the same person. These rooms were located at the rear of the motel and were obscured from most vantage points in the area.

Agent Allen approached room #133 and saw that the door was ajar. While the remaining agents were approaching room #133, a passing citizen told the agents that he had seen 10-15 "Mexicans" being shuttled into room #134 the previous night. Agent Allen noticed cigarette rolling papers, several cell phones and various other items on the bed closest to the window. Also visible to Agent Allen was a brand new car battery hooked up to a cell phone lying between the two beds. Agent Allen knocked on the door and heard a voice within acknowledging his knock. Agent Allen knocked again and announced himself as a United States Border Patrol Agent. The subject in the room, Nick RODRIGUEZ-Ramos, told Agent Allen to come in. Agent Allen pushed the door open and RODRIGUEZ acknowledged Agent Allen. Given the information that led agents to the motel, Agent Allen questioned RODRIGUEZ regarding his citizenship. RODRIGUEZ claimed to be a United States citizen. Agent Allen began to converse with RODRIGUEZ regarding his reason for being at the motel. RODRIGUEZ admitted that they were smuggling aliens and that a guy named "Eddie" was staying in the room with him.

At about this time one of the cell phones in room #133 began to ring. Agents allowed RODRIGUEZ to answer the phone, RODRIGUEZ later relayed to agents that "Eddie" was on the phone notifying him that the Border Patrol was at the motel and he should get out. RODRIGUEZ replied to "Eddie" that he did not see any agents and that he would just make sure he locked the door. "Eddie" told RODRIGUEZ that he would come and get RODRIGUEZ.

At approximately 10:30 a.m. a 1989 Grey Honda Accord with California license plates, pulled into the parking lot. Agent Allen immediately recognized the driver as defendant Eddie SIMON from pictures he had seen in room 133. Agent Allen approached the Honda. Agent Allen identified himself as a Border Patrol Agent and asked the driver if his name was "Eddie." The driver stated his name was Eddie SIMON. The Honda also contained a front seat passenger, defendant Elsa VALENZUELA-Arellano a United States citizen. Agent Allen noticed a rear seat passenger who did not appear to be familiar with the front seat occupants and was startled by the uniformed Border Patrol presence. This individual was questioned as to her citizenship and the subject, later identified as Catalina MENDOZA-Quinonez, was determined to be a citizen and national of Mexico without immigration documents. VALENZUELA, the front seat passenger, claimed to be married to Virgil RUIZ-Valenzuela.

At approximately 11:40 a.m. Agent Allen advised SIMON, VALENZUELA and RODRIGUEZ they were under arrest. Due to the complexity of this event and concerns about transportation and processing issues, Agent Allen read them their Miranda Rights. All of the subjects acknowledged they understood their rights.

During this time Agent Allen was able to illicit further information concerning an additional load vehicle from SIMON. The vehicle's description was that of an older model, White, Ford F-150 extra-cab pickup with a black ladder rack. A short time prior to receiving this information Agent Allen had seen a vehicle matching this description pull into a parking space around the corner from room #133 and witnessed the driver, later identified

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as Virgil RUIZ-Valenzuela get out of it and walk away. Agent Allen approached the vehicle and saw three subjects, trying to conceal themselves under large blankets in the rear floor of the cab. Agent Allen opened the door of the truck, identified himself as a Border Patrol Agent and questioned the occupants concerning their citizenship. All of the occupants stated they were Mexican citizens illegally in the United States and that they did not have any immigration documents allowing them to enter, reside, remain, or work in the United States legally.

Material witness Jose Rafael RAMOS-Miranda was one of the three illegal aliens in the Ford F-150 pickup truck. RAMOS-Miranda positively identified defendants Elsa Valenzuela-Arellano, Eddie Duane Simon, and Virgil RUIZ-Valenzuela as alien smugglers that he had contact with while being smuggled in the grey Honda and the white Ford pick-up.